

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

Dimitrius Stanley, individually and on )  
behalf of all others similarly situated, )

Plaintiff, )

v. )

No. 1:15-cv-239-WTL-MJD

National Recovery Agency, a )  
Pennsylvania limited liability company, )

Defendant. )

**STATEMENT OF CLAIMS**

The Class Representative, Dimitrius Stanley, individually and on behalf of all others similarly situated, pursuant to the Case Management Plan entered on April 24, 2016 (Dkt. 18 at II.D), and as amended on August 25, 2016 (Dkt. 63 at II.D) in this matter, hereby sets forth the Statement of Claims he intends to prove at trial:

1. That Defendant, National Recovery Agency, violated §1692e, which prohibits a debt collector from using any false, or any deceptive or misleading collection actions and representation or means in connection with the collection of a debt, including the false representation of the character, amount or legal status of any debt, see, 15 U.S.C. § 1692e(2)(A).

2. That Defendant, National Recovery Agency, violated § 1692f of the FDCPA, which prohibits a debt collector from using any unfair or unconscionable means to collect or attempt to collect a debt, including the collection of any amount (including any interest, fee, charge or expense incidental to the principal obligation) unless such

amount is expressly authorized by the agreement creating the debt or permitted by law, see, 15 U.S.C. § 1692f(1).

3. Defendant, National Recovery Agency, violated these provisions of the FDCPA by attempting to charge the Class Representative and the Class Members a flat 20% fee for collection “Costs”, when it had no right to do so. See, Kojetin v. C U Recovery, 212 F.3d 1318 (8th Cir. 2000); Seeger v. AFNI, 548 F.3d 1107 (7th Cir. 2008); and, Bradley v. Franklin Collection Service, 779 F.3d 606 (11th Cir. 2014).

Respectfully submitted,

Dimitrius Stanley, individually and on  
behalf of all others similarly situated,

By: s/David J. Philipps  
Class Counsel

Dated: October 7, 2016

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2016, a copy of the foregoing Plaintiff's **Statement of Claims** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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